

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SKYE A. WOODS,

Plaintiff,

v.

KRISTINE RUMER, *et al.*,

Defendants.

Case No. 2:23-cv-4089

Judge James L. Graham

Magistrate Judge Elizabeth P. Deavers

ORDER

This matter is before the Court for consideration of the December 4, 2024, Report and Recommendation of Magistrate Judge Deavers to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 54). Magistrate Judge Deavers recommended that Plaintiff be allowed to proceed with her claims except for the claim against Defendant Chambers-Smith for monetary damages. (ECF No. 54 at 2). Since Plaintiff is attempting to sue Chambers-Smith in her official capacity, she is barred by the Eleventh Amendment from recovering monetary damages. *Hill v. Chambers-Smith*, No. 2:22-CV3742, 2023 WL 4686587, at *4 (S.D. Ohio July 21, 2023) (citing *Maben v. Thelen*, 887 F.3d 252, 270 (6th Cir. 2018)).

The Report and Recommendation specifically advised the parties that failure to object to the Report and Recommendation within fourteen (14) days “will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation.” (ECF No. 54 at 3). The deadline for filing objections to the Report and Recommendation has since expired, and no party has objected to the Report and Recommendation.

The Court agrees with the Magistrate Judge’s Report and Recommendation (ECF No. 54), and it is hereby **ADOPTED**. Plaintiff’s claims remain pending **EXCEPT** for her claim against

Defendant Chambers-Smith for monetary damages. Accordingly, Defendants' Motion to Dismiss (ECF No. 26) is **DENIED** as moot.

IT IS SO ORDERED.

/s/ James L. Graham

JAMES L. GRAHAM

United States District Judge

DATE: December 20, 2024